

## FAQs for Local Government Solid Waste Management Planning

### **1. What is the statutory authority for requiring Solid Waste Management Planning?**

[Section 10.1-1411](#) of the Code of Virginia authorizes the Virginia Waste Management Board to promulgate regulations specifying requirements for local and regional solid waste management planning. The statute directs that the regulations include all aspects of solid waste management planning, including waste reduction, recycling and reuse, storage, treatment, and disposal. By statute, the regulations must require that consideration be given to the handling of all types of nonhazardous solid waste generated in the region or locality and local and regional solid waste planning units must maintain a minimum twenty-five (25%) recycling rate.

### **2. What are the applicable regulations and where can I find them?**

The applicable regulations are the Regulations for the Development of Solid Waste Management Plans, Amendment 1 ([9 VAC 20-130](#)). Amendment 1 became effective August 1, 2001. A copy of these regulations can be found and downloaded from: [www.deq.state.va.us/waste/wastereg130.html](http://www.deq.state.va.us/waste/wastereg130.html).

### **3. What are the requirements for local governments and/or regions to develop revised Solid Waste Management Plans?**

The regulations require that every city, county and town in the Commonwealth (or approved region) develop a solid waste management plan or amend an existing solid waste management plan and submit the complete, revised plan for approval.

### **4. When are the plans due?**

Complete, revised solid waste management plans are to be submitted to the department by July 1, 2004 by each planning jurisdiction (city, county, town, or approved region).

### **5. Where do I submit the complete, revised plan?**

Send the completed plans to: The Virginia Department of Environmental Quality  
Attn: Solid Waste Management Planning  
629 East Main Street  
Richmond, VA 23219

### **6. Is there a prescribed format for plans? Are there mandatory elements for a plan?**

The Department does not specify a format for the plans. Sections 30, 120, 140 and 150 of the regulations cover the contents of the plan. However, those preparing plans are

urged to read the entire regulation, since it is relatively short. A sample Table of Contents and information on plan preparation can be found at:  
[www.deq.state.va.us/waste/pdf/swmpppt.pdf](http://www.deq.state.va.us/waste/pdf/swmpppt.pdf) .

**7. Are there public participation requirements for development of plans?**

Yes. Public participation is crucial to the development of an effective solid waste management plan. The public participation requirements are set out at [9 VAC 20-130-130](#). The regulations call for a public notice, a public hearing and use of local/regional rules and procedures, including citizen advisory committees and public meetings during the development of the plans.

**8. Are there any informational meetings scheduled to discuss the planning process?**

Yes, the Department has already held a series of meetings around the Commonwealth to discuss the planning requirements. Another set of meetings has been scheduled for the spring of 2003. The schedule and locations for informational meetings can be found at: [www.deq.state.va.us/waste/pdf/swmpsched.pdf](http://www.deq.state.va.us/waste/pdf/swmpsched.pdf) .

**9. Is there a fee required when the plans are submitted? Is there a fee required to amend the plan?**

There are no fees required for plan submission or amendments.

**10. Is there funding available to develop these plans?**

No separate funding is available from the Department for the preparation of plans. The requirement for these regulations and the planning effort is contained in Va. Code §§ [10.1-1411](#) and [1413.1](#). These Code sections do not contain a provision for funding, and the Department does not have additional, separate funds available.

**11. How do I form a new region pursuant to submitting a Solid Waste Management Plan in 2004?**

Sections 180 through 220 of the regulations list the requirements and procedures pursuant to forming a region for the development of a solid waste management plan.

**12. Our region submitted a Solid Waste Management Plan in 1991 and still has the same membership now. Does the membership have to be re-approved for the 2004 plan?**

No. If the region is not changing membership from what is currently approved, it is not necessary to have the region approved again.

**13. What does a region do if one or more of the existing members want to leave?**

A. If this change in regional membership is coincidental with the submission of a complete revised plan on July 1, 2004, then the following would apply:

Amendments to regional boundaries of planning regions are governed by [9 VAC 20-130-220](#). In order to amend a regional boundary to remove a member, the Department will require a letter from the jurisdiction leaving the region, declaring its intent to leave and to prepare its own plan, effective with the submission and approval of the new plan required in the regulations ([9 VAC 20-130-110 B](#)).

The regulations also specify that the governing body or bodies of the region submit a letter (application), accompanied by letters from the jurisdictions remaining in the region, acknowledging the change in regional boundary. This should also be effective with the submission and approval of the new plan required in the regulations. This is not a permission from the region or remaining jurisdictions for the departing jurisdiction to leave, but rather an acknowledgment. Any contractual obligation to remain in a region lies between the jurisdiction and the region or remaining jurisdictions. Amendment of a region is separate from designation of a region, which is governed by other parts of the regulations.

Although not effective until the submission and approval of the new plan, the jurisdiction's letter and the region's application to amend the regional boundary should be submitted as soon as practicable to facilitate the development of the required solid waste management plans. Each city, county or town must develop and implement its own plan, if it is not part of a regional plan (Va. Code § [10.1-1411](#)). The public participation on the plans should clearly identify the participating local government(s) ([9 VAC 20-130-130](#)).

B. If this change in regional membership occurs before or after the submission of a complete revised plan on July 1, 2004, then the following would apply:

A change in regional membership that is not coincident with the submission and approval of the complete, revised plans, follows the same process described above, except that it also constitutes a major amendment under the regulations and requires separate public participation, as specified in [9 VAC 20-130-175](#) and [9 VAC 20-130-130](#).

Non-coincident amendments to regional boundaries of planning regions are also governed by [9 VAC 20-130-220](#). In order to amend a regional boundary to remove a member, the Department will require a letter from the jurisdiction leaving the region, declaring its intent to leave and to prepare its own plan ([9 VAC 20-130-110 B](#)).

The governing body or bodies of the region must also submit a letter (application), accompanied by letters from the jurisdictions remaining in the region, acknowledging the change in regional boundary. As before, this is not a permission from the region or remaining jurisdictions for the departing

jurisdiction to leave, but rather an acknowledgment. Any contractual obligation to remain in a region lies between the jurisdiction and the region or remaining jurisdictions. Amendment of a region remains separate from designation of a region, which is governed by other parts of the regulations.

Each city, county or town must develop and implement its own plan, if it is not part of a regional plan (Va. Code § [10.1-1411](#)).

**14. How often does my plan need to be updated?**

There is no fixed schedule for plan updates (as there was with the previous regulations). Changes to the plans should be made using an amendment. Section [9 VAC 20-130-175](#) (Amendments to plans) explains the amendments and the submittal procedure.

**15. How do I amend my plan?**

Section [9 VAC 20-130-175](#) (Amendments to plans) explains the amendments and the submittal procedure for both major and minor amendments.

**16. What is the difference between Major and Minor amendments?**

Section [9 VAC 20-130-175](#) (Amendments to plans) explains the amendments and the submittal procedure. The biggest difference is that major amendments require the same public participation as required for plan approval. Minor amendments do not.

**17. What are the consequences if I don't submit a plan?**

Since submission of complete, revised solid waste management plans is a regulatory requirement pursuant to statutory directive, failure to submit a plan may be addressed through the Department's compliance and enforcement process. The Department's options range from compliance assistance to enforcement orders with civil charges, depending on all of the facts and circumstances. Parties are urged to work with the Department in order to submit timely, complete plans.

**18. Who do I call for more information or if I still have questions?**

The Department's principal contact is Mr. Daniel S. Gwinner. He can be reached at (804) 698-4218 or email: [dsgwinner@deq.state.va.us](mailto:dsgwinner@deq.state.va.us).

**Note: This list of FAQ's will be updated periodically, as questions are addressed to the Department.**